

REMARKS / ARGUMENTS

Claims 1-7, 9-25, 27-41 are pending in the present case.

In the 5/17/06 Official Action, the examiner entered a restriction requirement. Applicant respectfully asserts that the Restriction is Improper as this PCT National Phase Application is Not Subject to US Restriction Practice, But Rather Unity of Invention Standards Under the Patent Cooperation Treaty.

The present application, USSN 10/031,637 is a US National Phase of PCT/EP00/03515 filed under 35 USC 371. As such, PCT Unity of Invention standards and not US Restriction Practice, is applied in these circumstances.

According to MPEP 1850, "when the Office considers international applications ... during the national stage as a Designated or Elected Office under 35 U.S.C. 371, PCT Rule 13.1 and 13.2 will be followed when considering unity of invention of claims of different categories without regard to the practice in national applications filed under 35 U.S.C. 111."

In light of this, the examiner has failed to apply the appropriate standards to the case at hand. Withdrawal of the restriction is appropriate, and application of Unity of Invention Standards under the PCT is requested.

Under MPEP 1800/the PCT Rule 13.1 and 13.2, "Unity of invention exists only when there is a technical relationship among the claimed inventions involving one or more special technical features. The term "special technical features" is defined as meaning those technical features that define a contribution which each of the inventions considered as a whole, makes over the prior art."

Here, the special technical feature relating to each of the claims is set out in claim 1, "A carrier comprising an elongate strip having a first portion and a second portion; a fold between said first portion and said second portion such that the first portion contacts the second portion; and a join between the first

portion and the second portion, wherein said join and the fold form the edges of a pocket or pouch for containment of medicament, said pocket or pouch containing a unit dose of medicament therein."

This subject matter is common to all claims, (the method of making of claim 32 sharing these special technical features) thus being part of the same invention. Further all embodiments depicted also relate to this special technical feature.

Withdrawal of the restriction requirement and subsequent search of the claims is therefore requested.

2. The objection made to the specification is unclear. In the official action, the examiner states:

"The abstract of the disclosure is objected to because the specification is not legible (see pages 3-6, and 9). Applicant is requested to file an unmarked/legible copy of the specification. Correction is required. See, MPEP 608.01(b)."

Applicant is unable to determine if the abstract is illegible (which would not appear to be the case, as the last page of the Preliminary Amendment filed Oct 26, 2001 appears to be completely legible from viewing the image file wrapper abstract dated 26 October 2001 on PAIR) or whether the specification is illegible at pages 3-6 and 9, referring presumably to the handwritten notations on the Amended Sheets filed during International prosecution. In this later is the case, applicants would draw the examiner's attention to the Preliminary Amendment which presents these same changes to the specification more in keeping with standard US 111 application practice.

In any event, if the examiner still feels that the objection is warranted, she is requested to call the applicant's attorney at the number below so that any confusion may be cleared up, avoiding any further needless delay.

Conclusion

Applicant respectfully asserts that the claims are asserted to be in a condition for allowance. Applicant requests that a timely Notice of Allowance be issued in this case. If any matters exist that preclude issuance of a Notice of Allowance, the examiner is requested to contact the applicant's representative at the number indicated below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or credit any overpayment, particularly including any fees required under 37 CFR Sections 1.16 and/or 1.17, and any necessary extension of time fees, to deposit Account No. 07-1392.

Respectfully submitted,



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